

**INDIANA PUBLIC DEFENDER COMMISSION MEETING
MINUTES**

June 4, 2003

The meeting commenced at approximately 3:00 p.m. Present were: Chairman Norman Lefstein, Commission members Bettye Lou Jerrel, Judge Daniel Donahue, Sen. Timothy Lanane, Monica Foster, Les Duvall, Rep. Ralph Foley, and Sen. Richard Bray. Also in attendance were Larry Landis of the Indiana Public Defender Council, and Tom Carusillo and Neal Bowling, attorneys with the Office of State Court Administration.

1. Minutes from the February 26, 2003, meeting were reviewed and recommended for approval.
2. Chairman Lefstein discussed the need to update the Commission web site to reflect changes in staff. He also suggested the possibility of posting the minutes of all Commission meetings, as well as the Commission's annual report, on the web site.
3. Chairman Lefstein noted that Commissioner Rebecca McClure's term has expired, and requested that Neal Bowling confer with Lilia Judson, Executive Director of State Court Administration, about recommending that Chief Justice Randall Shepard reappoint her.
4. Chairman Lefstein proposed dates for the next two Commission meetings, for September 4, 2003, and December 4, 2003.
5. The claims for reimbursements from the various counties were addressed. It was agreed that there was no dispute as to the validity of the claims. The Commission voted to reimburse the counties for expenses in capital cases at the full rate of 50%. The approved capital claims were:

COUNTY	DEFENDANT	TOTAL
Allen	Parker	\$3,078.57
Knox	Whipps	\$685.74
Lake	Britt	\$4,901.40
Marion	Adams	\$1,914.75
	Covington	\$7,140.38
	Ritchie	\$9,710.50
	Shannon	\$27,620.81
Spencer	Ward	\$15,512.57
Vanderburgh	McManus	\$776.38
TOTAL		\$71,341.10

6. The Commission then addressed the claims for reimbursement in noncapital cases. For the second quarter of 2003, these claims totaled \$1,848,345. However, the Public Defender Fund contained only \$1,261,597. The Fund was scheduled to receive its next allocation from the State of Indiana on July 1, 2003, in the amount of \$3,500,000. Tom Carusillo took the position that the noncapital claims currently before the Commission could not be paid from the amount to be deposited into the Fund on July 1, 2003, as that allocation was earmarked for reimbursement requests accumulated by the Commission during the second half of 2003. Mr. Carusillo asserted that the noncapital claims currently before the Commission should be paid on a prorated basis. Larry Landis took a different position, and argued that the statute governing reimbursement, I.C. 33-9-14-6, permitted the Commission to suspend all current noncapital claims, and pay them in full on July 1, 2003.

Judge Donahue then moved that all noncapital claims be suspended and paid then paid in full on July 1, 2003, when the Fund was to receive its next disbursement. All Commissioners present, with the exception of Rebecca McClure, voted in the affirmative. Ms. McClure voted "no."

The noncapital claims at issue were:

COUNTY	PERIOD COVERED	TOTAL EXPENSE	ADJUS'T	ADJUS'D EXPEND.	40% REIMB.
ADAMS	01/01/03-03/31/03	\$23,176.08	\$3,939.93	\$19,236.15	\$7,694.46
CARROLL	01/01/03-03/31/03	\$26,943.20	\$0.00	\$26,943.20	\$10,777.28
CLARK	01/01/03-03/31/03	\$85,208.15	\$1,704.16	\$83,503.99	\$33,401.60
DECATUR	01/01/03-03/31/03	\$34,615.70	\$13,846.28	\$20,769.42	\$8,307.77
FAYETTE	01/01/03-03/31/03	\$119,728.10	\$0.00	\$119,728.10	\$47,891.24
FLOYD	01/01/03-03/31/03	\$55,236.43	\$0.00	\$55,236.43	\$22,094.57
FOUNTAIN	01/01/03-03/31/03	\$11,108.03	\$1,666.20	\$9,441.83	\$3,776.73
FULTON	01/01/03-03/31/03	\$24,022.00	\$0.00	\$24,022.00	\$9,608.80
GREENE	01/01/03-03/31/03	\$48,888.44	\$0.00	\$48,888.44	\$19,555.38
HANCOCK	01/01/03-03/31/03	\$46,842.59	\$0.00	\$46,842.59	\$18,737.04
HENRY	01/01/03-03/31/03	\$63,979.53	\$0.00	\$63,979.53	\$25,591.81
JASPER	01/01/03-03/31/03	\$22,555.32	\$0.00	\$22,555.32	\$9,022.13
JAY	01/01/03-03/31/03	\$41,383.84	\$6,571.97	\$34,811.87	\$13,924.75
JENNINGS	01/01/03-03/31/03	\$21,499.95	\$2,300.00	\$19,199.95	\$7,679.98
KNOX	10/01/02-12/31/02	\$65,513.12	\$1,066.00	\$64,447.12	\$25,778.85
KNOX	01/01/03-03/31/03	\$73,216.33	\$8,224.42	\$64,991.91	\$25,996.76
KOSCIUSKO	01/01/03-03/31/03	\$56,720.78	\$0.00	\$56,720.78	\$22,688.31
LAKE	01/01/03-03/31/03	\$587,991.15	\$0.00	\$587,991.15	\$235,196.46
LAPORTE	01/01/03-03/31/03	\$88,389.35	\$0.00	\$88,389.35	\$35,355.74
MADISON	01/01/03-03/31/03	\$391,782.37	\$0.00	\$391,782.37	\$156,712.95
MARION	01/01/03-03/31/03	\$1,500,704.13	\$0.00	\$1,500,704.13	\$600,281.65

MIAMI	01/01/03-03/31/03	\$59,465.31	\$235.00	\$59,230.31	\$23,692.12
MONROE	01/01/03-03/31/03	\$177,944.00	\$0.00	\$177,944.00	\$71,177.60
MONTGOMERY	01/01/03-03/31/03	\$18,486.74	\$0.00	\$18,486.74	\$7,394.70
NOBLE	01/01/03-03/31/03	\$51,038.82	\$0.00	\$51,038.82	\$20,415.53
OHIO	01/01/03-03/31/03	\$13,738.82	\$2,422.88	\$11,315.94	\$4,526.38
ORANGE	01/01/03-03/31/03	\$16,838.71	\$0.00	\$16,838.71	\$6,735.48
PARKE	01/01/03-03/31/03	\$18,952.26	\$0.00	\$18,952.26	\$7,580.90
PERRY	03/03/03-05/05/03	\$35,918.28	\$0.00	\$35,918.28	\$14,367.31
PIKE	01/01/03-03/31/03	\$10,091.08	\$1,987.82	\$8,103.26	\$3,241.30
PULASKI	01/01/03-03/31/03	\$30,550.84	\$3,588.63	\$26,962.21	\$10,784.88
RUSH	01/01/03-03/31/03	\$36,909.88	\$14,763.95	\$22,145.93	\$8,858.37
SCOTT	01/01/03-03/31/03	\$28,502.85	\$0.00	\$28,502.85	\$11,401.14
SHELBY	01/01/03-03/31/03	\$66,639.31	\$0.00	\$66,639.31	\$26,655.72
SPENCER	01/01/03-03/31/03	\$12,994.00	\$0.00	\$12,994.00	\$5,197.60
STEUBEN	01/01/03-03/31/03	\$57,820.11	\$11,564.02	\$46,256.09	\$18,502.44
SULLIVAN	12/16/02-04/09/03	\$13,841.75	\$0.00	\$13,841.75	\$5,536.70
SWITZERLAND	01/01/03-03/31/03	\$18,477.67	\$4,140.75	\$14,336.92	\$5,734.77
VANDERBURGH	01/01/03-03/31/03	\$341,182.25	\$0.00	\$341,182.25	\$136,472.90
VERMILLION	01/01/03-03/31/03	\$22,819.44	\$0.00	\$22,819.44	\$9,127.78
VIGO	01/01/03-03/31/03	\$242,356.14	\$36,353.42	\$206,002.72	\$82,401.09
WARREN	01/01/03-03/31/03	\$7,764.50	\$0.00	\$7,764.50	\$3,105.80
WASHINGTON	01/01/03-03/31/03	\$36,403.98	\$9,101.00	\$27,302.98	\$10,921.19
WHITLEY	01/01/03-03/31/03	\$41,493.04	\$5,394.10	\$36,098.94	\$14,439.58
TOTAL		\$4,749,734.37	\$128,870.53	\$4,620,863.84	\$1,848,345.54

7. It was agreed that, in December of 2003, it would probably be necessary to prorate noncapital claims. It was further agreed that the Commission should probably send out a letter to the counties participating in the Commission's reimbursement program, advising them that such proration was likely to be necessary.
8. Next, the Commission took up the issue of Marion County's struggle to achieve compliance with Commission standards with respect to its juvenile division. The Commission discussed Marion County Chief Public Defender Dave Cook's June 2, 2003, letter to the Commission outlining his proposals for revising juvenile court standards. Chairman Lefstein stated that he believed it necessary to arrange for a consultant to evaluate the Marion County Public Defender Agency's system of providing indigent defense to juvenile defendants, and to report back to the Commission on the state of such services.
9. The Commission then scheduled subsequent meetings for September 11, 2003, and December 11, 2003.

Norman Lefstein, Chairman

Date